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**NINTH CIRCUIT COURT RULES TO GIVE THE TRINITY RIVER MORE  
WATER FOR FISH**

**San Francisco** - The federal Ninth Circuit Court of Appeals today ordered the federal Bureau of Reclamation to release emergency water for northern California's Trinity River despite opposition by agricultural and hydropower litigants. "We are grateful to the court for respecting the Trinity River's need for water," said Clifford Lyle Marshall, Chairman of the Hoopa Valley Tribe of Humboldt County. A final decision on the appeal is expected in the next few months, "But this temporary emergency order shows the court understands the long-term trust responsibility to preserve a healthy fishery," said Marshall.

The Hoopa Valley Tribe, whose reservation is bisected by the river, asked the court for more water to help restore the river's fishery. The ruling is part of a four-year litigation with the tribe and its trustee, the U.S. Department of Interior (DOI), on one side, and Westlands Water District and the Northern California Power Agency (NCPA) on the other.

The tribe has been litigating since 2000, when Westlands and NCPA sued to prevent the implementation of a restoration plan developed by the tribe and the DOI after 20 years of study and negotiations. The legal battle is rooted in the decision of Congress in 1955 to divert Trinity River water to the Central Valley Project. "The federal government promised to leave enough water in the river for the river's fishery, but in some years the Bureau of Reclamation took 90 percent of the river's water and the fish population began to dramatically decline," said Mike Orcutt, Director of the Hoopa Valley Tribal Fisheries Department. He said the 2002 fish kill of some 34,000 migrating fish in the Klamath River shows the imperative for water in the Trinity, which flows into the Klamath River.

In the 1980's Congress ordered restoration studies culminating in the signing of the 2000 Record of Decision (ROD) by then-Secretary of Interior Bruce Babbitt. Westlands and NCPA immediately filed an injunction blocking the ROD. In 2002, Fresno federal district court judge Oliver Wanger ruled in favor of irrigation and hydropower interests that wanted to delay the ROD. The tribe appealed that decision to the Ninth Circuit Court.

"This long and expensive litigation by Westlands and NCPA has taken away human resources and money from the restoration of the river," said Marshall. "But we have no other choice but to continue to fight in court. We don't have another river to live next to. The fish don't have another river to swim in."